

UNITED STATES DISTRICT COURT  
for the  
Southern District of New York

Lorie Medina, on behalf of herself and others similarly situated in the proposed FLSA Collective Action,

Southern District of New York

*Plaintiff(s)*  
v.  
Capodanno Properties LLC, Waterfront Cafe Inc.,  
and John Tato

Civil Action No. 1:22-cv-05449

Capodanno Properties LLC, Waterfront Cafe Inc.,  
and John Toto,

) ) ) )

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**Defendant(s)**

## **SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* See Rider Attached.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Levin-Epstein & Associates, P.C.  
60 East 42nd Street, Suite 4700  
New York, New York 10165

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: 10/13/2022

A handwritten signature in black ink, appearing to read "J. G. Koza", is written over the official seal of the United States District Court for the Eastern District of New York. The seal is circular with a double border. The outer ring contains the text "UNITED STATES DISTRICT COURT" at the top and "THE EASTERN DISTRICT OF NEW YORK" at the bottom. The inner circle features an eagle with wings spread, perched on a shield, with the words "LIBERTY" and "EQUALITY" visible on the shield.

/s/ J. Gonzalez

*Signature of Clerk or Deputy Clerk*

Civil Action No. 1:22-cv-05449

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**LEVIN-EPSTEIN & ASSOCIATES, P.C.**

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60 East 42<sup>nd</sup> Street • Suite 4700 • New York, New York 10165  
T: 212.792-0046 • E: [Joshua@levinepstein.com](mailto:Joshua@levinepstein.com)

**RIDER**

Capodanno Properties LLC  
809 Father Capodanno Blvd.  
Staten Island, NY 10305

Waterfront Cafe Inc.  
809 Father Capodanno Blvd  
Staten Island, NY 10305

John Toto  
694 Seaver Avenue  
Staten Island, NY 10305